

Exhibit A

Declaration of Delmy Pineda Cruz

1. My name is Delmy Pineda Cruz. I am detained at Karnes County Residential Center (“Karnes”) with my son, Alexis, who is eleven years old. My A number is 077-657-488.
2. The ICE officials and GEO employees at Karnes punished me because I spoke out about the injustice of detaining women and children who are seeking asylum.
3. My son and I fled Honduras, our native country, to escape gang violence. A gang beat my son for refusing to join the gang, and then threatened his life by killing another boy in front of him who had also refused to join the gang. We are seeking asylum in the United States.
4. ICE has detained me and Alexis at Karnes since we entered the United States in early September. I have no criminal record in my home country, and ICE has never said that I pose any danger to anyone. If I were released, I would live with my other family and friends in Los Angeles, California, including my other son, Jackson, who was born in California in 2008 and is a citizen of the United States. I would attend all future immigration court hearings. There is no good reason for continuing to detain me and Alexis.

Conditions at Karnes

5. Alexis and I have been detained at Karnes for over seven months. The conditions at Karnes are inhumane, and I can’t take it here much longer. The ICE officials and GEO employees at Karnes do not treat the women and children with respect and dignity. They do not provide basic needs for mothers and children.
6. For example, our children cannot eat properly. The food that ICE and GEO give us is disgusting. We have rice and beans nearly every day. The rice is either cooked too much or not enough, and the beans are hard and not cooked enough. The children eat so little. My roommate’s son is very thin. Over the nearly eight months I have been here, I have seen children lose weight. My son does not like to eat the food, and he complains about it

all the time. The only thing I can do is buy him snacks from the commissary, and beg him to eat the cafeteria food. I get really worried for my son's health because sometimes he refuses to eat because the food is so bad.

7. The medical care at Karnes is terrible. The GEO medical staff do everything possible to cut costs, which means we don't get proper treatment. When our children have severe pain, all they give us is Tylenol. My tonsils get infected occasionally, and they become inflamed and swollen. I used to have medication to help with it, but they took it and discarded it at the border when I entered the United States. My tonsils became inflamed again recently, and the medical staff would only give me something for the pain. They refused to give me anything to actually help treat and reduce the inflammation.
8. The mental health care they offer here at Karnes is meaningless. They only offer a psychologist for show, and he does not actually provide care to any of the detainees. I hesitate to call it mental health care at all. The psychologist sits with his face in his hand looking bored while we talk about the trauma we have experienced in our home countries and the trauma of being locked in this detention center. He has never offered me any useful advice for coping with my experiences. At the end he just says, "I don't have the power to release you." We already know that—we just need mental health treatment, which we don't get. In my eight months at Karnes, I have never gotten adequate counseling from a psychologist. My son, who had his life threatened in our home country, has not gotten any real counseling to help him cope with his past experiences, or with his current detention.
9. Most importantly, I am very upset that there are children, like my son, detained at Karnes. Karnes feels very much like prison. They conduct head counts three times a day, just like they would do at a prison. They punish us for offenses as trivial as "disrespecting" a guard, which is also like a prison. Children should not be locked up here. I only came to the United States because I believed it was a safe place that would protect my son from violence, and because I was desperate and scared for our lives. Instead, we are treated like prisoners.

Protest and Hunger Strike

10. In March, along with some of the other women at Karnes, I decided to go on hunger strike because I am desperate. ICE will not let me go. I don't know what else to do to protest the fact that ICE has detained me and my son in these conditions for so long.
11. Only the mothers are participating in the hunger strike. Our children are not on hunger strike. We do not bring our children to breakfast or dinner, but we feed them with snacks from the commissary. The mothers eat something small from the commissary once a day. Our health is not in danger.
12. The goal of our hunger strike was to draw attention to the terrible plight of the children here at Karnes and to persuade ICE to release the women and children at Karnes while a judge decides whether they should get asylum in the United States. There is no reason to keep us locked up here. People accused of crimes are released on their own promise to return to court. We haven't even committed a crime. The same rule should apply to us.
13. Our strike was also religious in nature. We prayed to ask God to help us endure detention and to give us strength to go through with our strike. We deliberately held the first hunger strike during Holy Week, which ends in Easter.
14. The hunger strike began with a petition that was circulated before Holy Week (Exhibit A). We wrote the petition in order to explain why we were holding a hunger strike. The petition helped us express our feelings and our goals. We planned to begin refusing meals on the morning of Holy Tuesday.
15. On Monday morning of Holy Week, we planned to deliver the petition to Johana De Leon from an advocacy organization called RAICES, which helps the women at Karnes with our asylum applications and to find attorneys for our asylum cases. Polyanne Soares de Oliveira dos Santos was supposed to deliver the petition, but she had a court appearance that morning. I delivered the petition to Johana instead.

ICE Officials Threaten Hunger Strikers in Group Meeting

16. The ICE officers called all of the hunger strikers to room 705. The room was packed, and there must have been close to eighty women there. There were ICE officials and GEO employees in the room, but only the ICE officials spoke. One of the ICE officials was named Pacheco. The other official was an African-American woman with long hair, and the third official was a thin, short man.
17. The ICE officials asked why we were striking. We told them we were striking to gain our freedom and to protest the unjust conditions at Karnes. We told them we were striking because we should all be released from Karnes. There is no difference between us and other women who have been released—there is no reason to keep us locked up.
18. Officer Pacheco, an ICE officer, said that if we continued with our strike, ICE would take away our children and we would be deported. He said striking would show that we were not competent mothers and we could not take care of our children. When I talked to Officer Pacheco personally, he said that if we go through with our “stupid idea,” ICE would take away our children and deport us.
19. At this meeting, lots of women dropped out of the hunger strike because they were worried about losing their children. They believed that ICE would label them as crazy and send their children to another detention facility. Many women at Karnes made their way to the United States with no other family, no money, and no education. It would be completely devastating to have their children taken from them and put in another detention center, or, worse, sent back to the life-threatening violence they were trying to escape.

GEO Guards Lock Me and My Son in Isolation

20. After the meeting, a male GEO guard brought me down to the medical area. He put me into a small room, alone, without telling me what was going on. The door locked from the outside.

21. The room was dark. The only light came from a window on the door that was about three inches across. I could not turn the lights on or off, because the lightswitch was outside. I am not sure what the size of the room was. I was very scared to be in this room alone, and they had no good reason for putting me there.
22. The room smelled bad from the toilet. The toilet was completely exposed, except for a small half wall between the toilet and the bed. There was a bed, like in a hospital room, with a thin mattress. The head of the bed was right next to the small wall and the toilet. There was a sink in the room, but no soap, and no cups. I had to drink water out of my dirty hands. A camera watched me from the corner. There was no cover on the window.
23. I knocked on the door and yelled to try to get people's attention. I also pushed a button on the wall to try to call for help. No one responded. I felt terrified. I was all alone. I had no idea why they had locked me in there or how long I would be here. Nobody would answer my cries for help. After a while, I just sat there in shock, feeling very scared and not knowing what to do.
24. A while after I was locked in the room, a GEO guard opened the door and threw all of my possessions at me. Then I started worrying that I would have to stay in the room for a very long time.
25. Around 4:00, when classes for the children ended, the GEO guard brought Alexis to the room with me. The guard locked us both inside. At this point, they turned the light on. I was so upset that Alexis was locked inside the room with me. He had no idea why we were locked up, and I didn't, either. But Alexis is just an eleven-year-old boy.
26. Around 4:30, a GEO guard came into the room and handed me a piece of paper that said I was under medical observation. She was a woman with short hair. Alexis and I did not have any infectious diseases. We were not losing weight and we did not have problems with our blood pressure, blood sugar, or our hearts. Neither of us takes medication on a daily basis. There was no medical reason for keeping us isolated.

27. I said to the GEO guard that I wanted to know why they were treating me like a criminal, and I told her my son doesn't deserve what they were doing to us. I asked her to please explain what was happening. She did not answer me; instead, she left the room. I was angry, but even more than that, I was scared.
28. Around 5:30, a GEO guard brought us food. We asked for soap to wash our hands, but we got only shampoo. Alexis told the guard how much he wanted to leave. The guard said she could not help us because she was "just following orders." Alexis ate his meal sitting on the bed, which was the only place to eat. He got a stomachache after eating, probably because the food was so bad, but maybe also because he was so nervous or because the toilet was right there. Alexis was really upset.
29. Alexis started crying. I couldn't explain to him what was going on, because I didn't know. Alexis said to me: "What will we do? We can't go back to Honduras." Alexis told me that Kenia and her son were next door—Alexis had seen their identification cards on the wall when the GEO guards brought him in. We could hear the cries of Kenia's young son through the wall. He kept crying and crying.
30. I tried to look out the window and knock on the door to ask someone to help us. One of the social workers employed by GEO said we couldn't come out because we were under medical observation. I felt bullied. They were using Alexis to try to get me to stop speaking out.
31. Alexis and I were forced to sleep in the room together. Alexis was extremely uncomfortable changing his clothes and using the toilet in front of me. He is too old for that. He kept asking me to make sure I didn't look. Because there was a camera and a window, we had no privacy.
32. I could not sleep out of anxiety and discomfort. I had no idea how long I would be locked in the room with Alexis. Even if I had been able to sleep, there was not room on the bed for the both of us. I did not sleep that night.

33. In the morning, Alexis wanted to go to school. I pressed the buzzer on the wall, but no one would come to the door or listen. A GEO guard finally came later in the morning and let Alexis go to class around 10:00 in the morning. He left and told me that he hoped he did not get out of class and find me still in the room that afternoon. It was a harrowing experience for both of us. We did not know how long I would be forced to remain in isolation.
34. At 11:00 Tuesday morning, I had an appointment with my lawyer. The GEO guards took my things back to my room before I met with my lawyer. After the meeting, I asked a GEO guard why I had been in medical observation. He said he didn't know.

Continued Intimidation by ICE Officials and GEO Employees

35. Even after I was released from the room, ICE and GEO officials kept making my life very difficult.
36. GEO guards, including a tall man with a beard, interrogated me and asked if I was the leader of the hunger strike. I told him I'm not the leader, which is true: we all decided to start the strike together. The GEO guards told me that I like to get involved in problems. I told them that I am only defending my rights.
37. When I tried to sign in to work, the GEO guard who organizes everyone's jobs told me that I did not have a job anymore. She told me that I couldn't work because I was leading the hunger strike.
38. Having a job is important to me. I was unhappy that the job paid me so little—only three dollars a day for three hours of work. Even though the job paid me so little, I kept working to make life a little easier on my son. Buying food from the commissary is important for the children. The food GEO gives us is cooked so poorly that our children refuse to eat it. Buying things from the commissary is the only way we can make sure they eat enough. Taking away a mother's job is like forcing them to choose between speaking out and caring for their children. Eventually, the ICE officials and GEO guards took jobs away from all the mothers who were on hunger strike.

39. The GEO guards also videotaped us and our children a few times using handheld cameras. It felt very invasive. The GEO guards stood just about six feet away from us and kept pointing the camera at us and our children. It made me feel humiliated and angry—the guards degrade us and disrespect us constantly. It made me worried about what I could say while they were filming me. There was no good reason for them to videotape us like that. There are already security cameras everywhere.
40. The GEO guards called many strikers into an administrative office and told us to sign a paper. They repeatedly told us that if we did not sign the paper, we would “have problems with ICE.” The paper was written in English, which I cannot read. I suspect it said something about committing the error of participating in the hunger strike. I asked for a copy of the paper to give my lawyer, and the guards refused. I decided not to sign the paper. The GEO guards again warned me that I would “have problems with ICE.” Some other women signed the paper, and some did not.
41. I tried to call my family, but the GEO guards said the phone wasn’t working. I went to Room 613, an administrative office, to ask for help. The GEO guards in that room told me the phone was broken. I think they were lying to keep me from speaking to my other son in Los Angeles. It felt like they were punishing me for participating in the hunger strike.
42. The GEO guards would not give us shampoo or toilet paper. It seemed like a punishment to me. Right afterward, my roommate, Celia, asked for these things, and the guards gave them to her. I also tried to buy things at the commissary, but the GEO guard working there told me it was closing. I think the GEO guard lied about the commissary being closed because they thought that I was a leader of the hunger strike.
43. On Good Friday, a nun named Sister Nancy came to visit me. The GEO guards turned her away and told her I didn’t want any visitors. That wasn’t true. This was also a punishment for participating in the hunger strike.

44. A few days after I was locked up, I went to talk to my ICE officer, Officer Torres, but he wasn't there. Instead, Officer Pacheco was there. I asked him: "why did you punish me in that room with my son?" He responded that GEO did so because I am the leader of the strikers. He said I handed Johana the petition, and my name was on the petition, so I am the leader. I asked how he knew that I handed Johana the petition, and he said he had watched me on camera.
45. Alexis has not been well since we were locked in the room. He doesn't want to get out of bed in the morning or go to school. He only wants to sleep. He is worried that we will never leave this place.
46. A few days after we were released, one of the GEO teachers pulled me aside and asked what happened to Alexis. He was always good in classes, but lately, he always looked worried, and he cried often. I told the teacher how we had been locked up, and she said it was a real injustice. The teacher did not want me to reveal to GEO that she had spoken to me, but she said, as a mother, she was concerned about Alexis. I am concerned about him, too.
47. Some things have changed since the strike began. GEO finally responded to a complaint I filed about one of the guards.
48. This guard is a very tall white man who tells us his name is "Master." He makes us clean the walls and make the facility look nice when important people come to visit. He also says we are forbidden from talking with these important visitors, or else we will have problems with ICE and GEO. He humiliated me and the other women repeatedly. He tells us that we have to follow his orders and treats us like people with no worth. He calls us "indigenous" to mock us. I didn't complain about him for a long time because I worried about losing my job. After I finally complained, GEO didn't respond for months—until I started striking. Now, the Director answered my complaint, and she said what the guard did was wrong. She also said she had gotten other complaints about him. She didn't fire him, though. He is only reassigned to the night shift for now.

49. GEO has changed the kitchen and the food. They put curtains in the cafeteria. They used to give us one small plate of food. Now, for the people who are eating, they get larger plates, and they are allowed to take more food than before.
50. I have also heard from women who have gone to get medical treatment that GEO also changed the room where Alexis and I were locked overnight. There is more light in the isolation room now. It's like GEO is putting makeup on the facility.

Continuing Intimidation from ICE Officials and GEO Employees

51. The strike is still going on. We broke our strike on Holy Saturday to give ICE ten days to set a bond for us and our children. They did not respond to our demands, so we started striking again on Tuesday, April 14, 2015.
52. The GEO nurses call us to the medical area to weigh us every day. They tell us that we have to start eating, or else we will not be able to take care of our children. They say our children will be taken away if we keep striking. They also say they don't want to have to lock us up. I'm afraid that they will lock me up again if I keep up with the hunger strike. Yesterday, I said I didn't need to be weighed, and ICE officials and GEO employees wouldn't leave me alone in my room. They told me I had to go to the medical area ten times, but I'm afraid that they'll make up some illness that I have. This morning, they claimed I have a fever, and they tried to make me sign a paper written in English that I didn't understand. I know I don't have a fever. I'm worried that they are trying to lock me away again.
53. There are only about fifteen or twenty strikers left out of the nearly eighty who signed the petition before Holy Week. Many of women who stopped striking have told me they are scared about what ICE and GEO will do to them. They are especially scared of losing their children.
54. Last Friday, the director of ICE, Sarah Saldaña, was visiting Karnes. We handed her a petition that about twenty of the hunger strikers had signed. The petition asked for our release from Karnes. I am worried that the petition made everything worse.

55. This morning, a GEO guard ordered me and all the other women on hunger strike to go to Room 705. The GEO guard gave a paper and pen to each of us and ordered us to write a statement about why we were striking and for how long we would continue with our strike. We didn't have a choice. We each wrote a statement to ICE with our names and the date explaining why we are on hunger strike.
56. Half an hour or forty minutes later, two ICE supervisors, including the supervisor of all the other ICE officials, who is female, came into the room. There were more ICE officials there, including Torres, Pacheco, Fernandez, and others whose name I don't know. I started feeling really intimidated by all those officers. The highest ICE supervisor asked Fernandez to translate what she said (she was speaking in English).
57. Fernandez, one of the ICE officials, translated the female ICE supervisor as saying: you think that because you are participating in the hunger strike, we will let you go. We will not let you go. I know you handed a petition to Sarah Saldana, but that does not change the law. You have to finish your cases here, locked up. You are not responsible mothers. You need to start eating so that you can take care of your children. If you continue your hunger strike, they will take your children away. If you continue your hunger strike, they will deport you.
58. At this meeting, the female supervisor pointed her finger at me and wagged it and said Delmy, you already know that you violated the law when you entered this country. I took it as a threat. I asked if this is a threat or a punishment, and she said no. I asked her how I should take it. She wouldn't say anything more to me.
59. I am scared of the further actions that ICE and GEO might take to prevent me from hunger striking. Nevertheless, I will keep striking because ICE could release me and my son and with the stroke of a pen. We are only seeking asylum and we have not committed any crimes. Our children should not be in jail because they had to run for their lives.

I, Delmy Pineda Cruz, swear pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the foregoing declaration is true and correct to the best of my knowledge and recollection. This declaration was provided in Spanish, a language in which I am fluent, and was read back to me in Spanish.

Delmy Pineda

Delmy Pineda Cruz

14/20/15

Date

CERTIFICATE OF TRANSLATION

I, Sofia Meissner, hereby declare as follows:

1. I am fluent in both English and Spanish.
2. I am competent to translate from English into Spanish.
3. I translated the foregoing document for Ms. Delmy Pineda Cruz. I certify that the translation of the foregoing document is true and accurate to the best of my abilities.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: 4/20/15

Sofia Meissner

Printed name: Sofia Meissner